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FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

February 25, 1993

IN REPLY REFER TO:

7330-7/1700A3

RECEIVED

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Honorable Bob Kerrey United States Senate Washington, D.C. 20510

Dear Senator Kerrey:

This is in reply to your letter of February 2, 1993, in which you inquired on behalf of several of your constituents regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Your constituents are specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

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We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituents' concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the <u>Notice</u> are due May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituents to file formal comments on all aspects of the proposals.

Sincerely,

Ralph A. Haller

Chief, Private Radio Bureau

Enclosures:

Notice

Order

Discussion paper

cc:

Chief, PRBureau Chief, LM&MDivison Docket Files Poom 222

Docket Files, Room 222 P&P Branch File (Pink)

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CNTL NO - 9300573

Congressional

DUE OBC: 2-23-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS, AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/12/93

LETTER REPORT

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REMARKS: Respond to the attention of Neal McKnight in the D.C. office.

J. ROBERT KERREY

United States Senate

WASHINGTON, DC 20510-2704

64° 335 69335

February 2, 1993

Linda Townsend Solheim
Director, Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, N.W.
Washington, D.C. 20544

Dear Ms. Solheim:

I am enclosing a number of letters from my constituents regarding proposed rules under consideration by the FCC that would affect owners of radio-controlled model airplanes.

I understand that the FCC is soliciting comments regarding the proposed rules. I would appreciate your giving the concerns of my constituents every consideration. In addition, I would appreciate any information which will enable me to respond to my constituent's inquiry. Please return the enclosed correspondence with your report to:

The Honorable Bob Kerrey U.S. Senate Washington, D.C. 20510

Attention: Neal McKnight

Thank you for your assistance in this matter.

Sincerely,

J. Robert Kerrey

Dear Sir:

93 JAN 22 111 9:00

I was involved in an accident 11 years ago and had to take a less strenuous job at work and be less actively involved in the Boy Scouts of america program of which I was involved for 30 years. I now enjoy the hobby of flying Model Airplanes for about 2 years. Our club has about 45 members.

I ask your Attention and Help in resolving a problem that could adversely effect thousand, if not many thousands, if it is not resolved in a responsible manner.

The item is PR Docket 92-235. If this is put into place it could cost me about 3 times as much to change all frequencies to fly airplanes. I hope to continue in this hobby and would be forced to give it up. I will be awaiting your reply and hope you will consider this something you will look into.

I am very concerned about proposed rules that are currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use and increase the risk of accidents and attendant liability for controlling model airplanes.

Our radio control frequencies are in the 72 - 76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies in this hand are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control frequencies and cause interference to radio control operations. I am told that of the 50 frequencies that are presently available for radio control of model airplanes, only 19 frequencies will be left if these new rules are adopted.

When we fly our model airplanes under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please understand that many model airplanes have wing spans up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build: but more to the point, they are capable of causing property damage, serious injury, or even death if radio interference causes the operator to lose control of the craft. We often fly our models at organized events and contests where hundreds of operators participate. We need the use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to seek to improve the operating conditions of land mobile radio users at the expense of radio control modelers. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our models and in our radio equipment. The hobby provides many hours of enjoyment to thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposals for the 72-76 MHz band.

Sincerely.

Mlim Lu Nelson

GARY PATTERSON 3521 EDNA COURT NORTH PLATTE, NE 69101

JANUARY 17, 1993

THE HONORABLE ROBERT KERRY UNITED STATES SENAIL WASHINSTON, D.C. 20110

DEAR SENATOR KERRY.

I'M VERY COMCERNED ABOUT A PROPOSAL BY THE FOOT A WARE PADOCKET 92-285) TO IMBERT NEW OPERATING FREQUENCIES BETWEEN FREQUENCIES WE CURRENTLY USE 172mHz SAND) TO CONTAIL REMUTE CONTROLLED AIRPLANCE AND HELICOPTERS.

THIS IS MY BOLE MONDY/SPORT AND I HAVE A CONSIDE OBLIC AMOUNT OF MONEY INVESTED IN THIS HOBBY. WHEN I FLY MY GOOD.

AIRSLANES SAFETY IS OF GREAT CONCERN TO ME AND ITHERS
INVOLVED. THESE PLANES WEIGH UP TO SC POUNDS EACH AND BOME FLY IN EXCESS OF LOOMDE. THIS IS A SIZABLE PROJECTILE WITH A LOT OF POTENTIAL DESTRUCTIVE ENERGY. WE CURRENTLY HAVE SO CHANNELS TO OPERATE OUR R/O AIRPLANES IF THIS PROPOSAL IS ADOPTED WE WOULD HAVE POTENTIAL INTERFERENCE ON ALL BUT TO CHANNELS. WE HAVE AT THIS TIME A FAIR AMOUNT OF COLUMN IN SAFE WITH SO CHANNELS. IT WILL BY TOTALLY CAMMED WITH ONLY IN SAFE CHANNELS.

THIS IS A GROWING HOBBY/SPORT, IT IS A VERY WORTHWHILE HOBBY FOR OUR YOUTH ESPICIALLY AS IT BUILDS GOOD TECHNICAL SKILLS, PATIENCE, CONSTRUCTION SKILLS AND IS MORAL Y ITEMA THIS COURT PROVENT ALLST OF TEOPLE THE ENGLIMENT AND SPILLS THIS HOBBY.

PLEASE HELP ME CONTINUE THE SAME ENJOYMENT OF MY HOLDS HAD BY NOT ALLOWING THE FOR TO DARRY ONE THE PROPOSALS OF A RESERVED BAND.

BINGE**SH**

SARY ATTERSON

PATTERSON'S HOBBIE 121 WEST Sta NORTH PLATTE, NE (3.0)

JANUARY 17. 1993

THE HONORABLE ROBERT HERRY UNITED STATES SENTIFE WASHINGTON. D.D. 19814

DEAR SENATOR FERRY.

- I OWN A HOBBY SHOT THAT SPECIALIZES IN REMOTE JUNTAGE AFROMATION AND 2 PARTITIME EMPLOYEES AND 2 PARTITIME EMPLOYEES. I SUPPLY MODELERS NOT ONLY IN HORTH PLATE BUT AS FAR AGENTAL AUSTALLIA.
- I ALSO BELONG TO THE LOCAL MODEL ATRACTNE DILUB HERE THAT HAS ABOUT 50 MEMBERS-1-18 IS ALSO MY PERSONNEL HOBBER SPORT.

17% VERY CONCERNED ABOUT A PROPUBAL BETTHE FOOT MATERIAL DOCKET BEFTHE BETTHE OPERATING PREQUENCIES BETTHEN FREQUENCIES WE DURRENTLY USE (72max SAND) TO CONTROL REMOVE CONTROLLED AIRCL NES AROTHELICOPTERS.

SAFETY IS OF BREIT IGNOERN TO ME AND OTHERS 1 VOLVED. PAGE PLANES WEIGH UP IS SO POUNDS EACH AND SOME FOR IN SWOERY OF COOMERS. THIS IS A STRABEL PROJECTION WITH A LOS OF ADDRESS TAD DESTRUCTIVE ENERS IN WEIGH PROPOSAL IS ADOPTED AS ADDRESS FOR PAVE POTENTIAL INTERVIEWED IN ALL BUT IS CHANNELD. WE HAVE AT THIS TIME A FAIR AMOUNT OF CONSESTION WITH BE CHANNELS, IT WILL BE TOTALLY LAMMED WITH ONLY 19 SAFE CHANNELS.

THE IS A GROWING HOBBY/BRORT, IT IS A VERY WIRTHWALLE HOBBY FOR OUR YOUTH ESPECIALLY IN A REFLECTION GROUD TETHNICAL GRILLAND SATIFFACE, DONE TRUSTION BY A 15 AND IS MERCH A LIAN THE COULD PREVENT ALD TO PERFLECT THE ENJOYMENT AND SAFINY ATTEMPTS HOBBY.

PLEAGE HELP ME CONTINUE THE SAME ENDOVMENT OF MY CONTINUES AND MY HOBEY/BROS. E. NOT ALLEWINE THE FIG TO CARRY OUT ITS PROPOSALE FOR THE FIRE BAND.

SINCE

Mr Robert Kerry

My name is Tracy House 22 and 9: 02 an writing to you is regard to the proposed bil PR Docket 92-235 concerning the FCC radio frequencies. I belong to the Thurderbird RC club for radio controlled model airplanes, and if this proposal goes into effect every piece of radio egupment I own wil be weeken. I f there is any blood over in frequencies the airplane will crosh I presently own two airplanes at an estimated value of 350.00 each, and one vadio ditch will cause a crashand the loss of a plane. Worse yet there is the possibility of serious personal or property domage to other pitots or ever spectators. The persons in our club spend many hours, and dollars making our sport as safe as possible, this proposal would make it outwally impossible to make the sport both safe, and affordable. I ask you to vote against the proposal of inseiting more frequencies into she model aviation frequencies.

Thank you

Thank you

Thank you

And Hawk

3/03 W 2nd

North Platte NE 69/01

January 14, 1993

The Honorable Robert Kerry United States Senate Washington, D.C. 20510

93 JAN 19 AM 8: 48

Dear Senator Kerry,

I have just learned about the new proposed rules under consideration by the Federal Communications Commission (FCC). This proposed rule change is designated PR Docket 92-235. Hidden in this document is a section that will very adversely impact not only myself but many of my fellow hobbyists.

I build and fly radio controlled model airplanes. We currently have assigned frequencies in the 72 and 76 MHz range of the radio spectrum. The proposed new rules will intersperse four new frequencies between each of our present channels. There is already one commercial channel between each of our hobby frequencies. The addition of the new frequencies will make all of our present equipment obsolete. One of the equipment manufacturers has estimated that to meet the new requirements will result in at least a three-fold increase in the cost of our equipment. The equipment is already expensive and tripling the price of it would put our hobby out of the reach of many of the current hobbyists.

Please understand that our planes may weigh as much as 40-50 lbs., and may reach speeds of over 100 mph. These are not toys, but real planes that are simply smaller than any of us could ride in. The proposed rule changes would allow such loose frequency tolerances that someone on the new channels could slop over into one of our frequencies. This could cause loss of control of our aircraft; even a slow, light plane could inflict much damage to a person or to someone's property.

One of our primary concerns as a hobby has been the safety of our members and of the general public. I am truly concerned that not only will these proposed new rules lead to the loss of aircraft but will result in the injury of someone.

We do have a number of young members in our club at the present time and the cost of the equipment needed to function under these rules, if even available, would be prohibitive for them. Our hobby teaches these young people the basics of aerodynamics. In addition it teaches them discipline and patience. It would be a tragedy for these young people to loose such an educational experience.

I hope that you are able to assist in stopping this destruction of our hobby.

Sincerely

Robert Buckland, M.D.

The Honorable Robert Kerry United States Senate Washington, D.C.

Dear Senator Kerry:

I am very concerned with the new FCC PR Docket 92-235 that is under consideration. I am very active in radio controlled model airplanes. I am secretary-treasurer of our local chapter and an American Modeler Association member. I love to design, build and fly model airplanes. I have one plane which weighs up to 20 lbs. and flys at 150 mph.

Because of this I sold my business and went to work as a manager of a hobby shop that specializes in R/C. If the new FCC rule PR Docket 92-235 is passed it will render \$800.00 of my radio equipment unusable. No one in our club will be able to fly safely. It will be hazardous to our spectators and to the public property.

As of present we go to great lengths for safety. This includes other pilots, spectators and the property we lease. By splitting the frequencies into a narrower handwiths this will make flying very hazardous. The new land mobile frequencies won't have the flight technical specifications that our radio manufactures have to abide by. They will have the power to override our signals.

The radio control hobby is a multi-million dollar industry that is growing daily. Our club membership has trippled in just two years. We have all ages and people from grade school to doctors and policeman. Many people that love to fly cannot afford to fly a real full size airplane. On the otherhand, can you picture a model you have worked on for six months to a year to build and then see it crash due to radio interference. I personally have one plane I designed that took three years from the drawing board to building and flying it. Enclosed is a picture of one of the planes that could be ruined if the PR Docket 92-235 is passed.

We have senior citizes on a fixed income and also school children that use their allowance for their hobby. This is not a cheap hobby to get into. It takes a lot of time and investment. If the FCC is allowed to carry out it proposals for the 72-76 MH₂ band, all this will be lost. Please help us continue the safety and enjoyment of our pastime.

Sincerely yours

Stanley C Smith

United State Dirate
L'audienzier. D. C. 2011.

Dear Transfer 60 7 79

Consideration by the F.C. C.; PR Docket 92-235; will greatly reduce projective currently exampled for model aciplane use, will example the for controlling model aciplane.

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Dear Sir:

I was involved in an accident 11 years ago and had to take a less strenuous 936446 work and be less actively involved in the Boy Scouts of America programoin which I was involved for 30 years. I now enjoy the hobby of flying Model Airplanes for about 2 years. Our club has about 45 members.

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Our radio control frequencies are in the 72 - 76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies in this hand are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control frequencies and cause interference to radio control operations. I am told that of the 50 frequencies that are presently available for radio control of model airplanes, only 19 frequencies will be left if these new rules are adopted.

When we fly our model airplanes under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please understand that many model airplanes have wing spans up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build: but more to the point, they are capable of causing property damage, serious injury, or even death if radio interference causes the operator to lose control of the craft. We often fly our models at organized events and contests where hundreds of operators participate. We need the use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to seek to improve the operating conditions of land mobile radio users at the expense of radio control modelers. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our models and in our radio equipment. The hobby provides many hours of enjoyment to thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposals for the 72-76 MHz band.

I len La Nelson

Jan. 18, 1993

Dear Senator Kerrey 93 JAN 22 PM 2: 03 I'll begin by telling you that sie been into radio controlled model airplanes for almost 20 years. I enjoy this Pastine very much + hope to be able to continue. In very concerned about proposed rule that are currently under consideration by the F.C.C. the proceeding is PR Docket 92-235, If this goes through the new rules will greatly reduce the asability of the frequencies currently assigned for model use a Increase the rest of accidents and attendant liability for Controlling model auplanes. Our frequencies are in The 72-76 mHz. bond. this band is primarily used for private land mobil dispatch operatione. However, our radio control frequencies in the bond are for crough apart from the land mobile frequences thative have been able to shore the band without either use interfering with the other. Now the F.C.C. wants to create more land mobil frequencies by splitting them into ranover bondwidths a reanonging the band Plan. As a result, many land mobile frequencies will more closer to the 50 frequencies that are presently avoilable for radio control of models, only 19 frequencies will be left if these new rules are adopted.

as modelers we go to great lengths to assure the safety of the operators a spectators and the protection of Property. along portion of this sofety his in frequency coordination and the use of the radio control frequences. If the number of usable frequencies is deminished the remaining frequencies well become congested a too margin of safety will be greatly decreased. Itour several planes a hour over 2500° investel in planes a radio gear. My largest plane has a wing span of 87" + weight 20 LBS. With more & more modelers getting ento the grant scale planes or lorger planes, Safety becomes even more important. During the year we are often asked to fly at calebrations of events where we might have a longe crowd of spectators let reed allof our radio frègerencies in order to ossere a soft flying environment. We may not seem to be as importantant or business users of radio, but we have a considerable oilor uro ris albom uro in transcerne equipment. a getmony hours of enjoyment from my planes + I know there one many other like me. Please help me to continue enjoying my postine by not allowing the F.CC. to carry out its proposals for the 72-76 MHz bond. Lincorely,

The Honorable Robert Kerrey
United States Senate
Washington, D.C. 20510

93 JAN 26

Dear Senator Kerrey:

I have dreamed of flying ever since my earliest memories. Recently, I was able to fulfill my dream in the area of radio control flying. My dream could be jeopardized due to a recent rules proposal by the Federal Communications Commission (FCC). I am employed as a police officer and contrary to popular belief, I am not rich. If the proposed rules pass, the expense involved in my dream could increase sharply. This increase in expense could rip my dream from my very grasp.

The rules proposal is PR Docket 92-235. If adopted, the new rules would greatly reduce the usable frequencies currently assigned for model use and dramatically increase the risk of accidents and attendant liability

for controlling model aircraft.

We as builders go to great extents during building and flying these machines to ensure the maximum of safety for spectators and pilots as well. The new frequency allocations, as I understand, are for mobile customer usage that could be capable of overriding our transmitters and could have disasterous results. I am told that of the 50 frequencies currently available for model aircraft, only 19 frequencies would remain available if these new rules are adopted. Both of my radios, valued at about \$200 each, fall within the affected 31 frequencies. This dollar amount neither includes the cost of my planes nor the amount of time spent building them.

I am a member of a local R/C flying club that has nearly 40 members, each of who owns at least two aircraft. Our organization, as well as others, go to great lengths to prevent the possibility of property damage or personal injuries from these aircraft. Please consider that these aircraft can have wingspans of over 10 feet with weights of around 30 to 40 pounds. Simple laws of momentum relate the damage possible with these aircraft flying in excess of 100 miles per hour should radio interference be introduced.

I don't believe that it is wise of the FCC to seek improvements of the operating conditions of land mobile radio users at the expense of the radio control enthusiast. This hobby provides many hours of enjoyment for the builders, fliers, and spectators alike. As a police officer, I can assure you that I have seen many more serious "hobbies" undertaken by the youth of the community. R/C flying promotes discipline and respect for others property. Please help me to continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposals for the 72-76 Mhz band.

Sincerely,

Craig L. Dailey 1904 West 5th

North Platte, NE 69101

(308) -532-8268